Somali Piracy: An Age-Old Solution to a Modern Day Problem

A Monograph
by
CAPT Gregory R. Larson
United States Navy

MENS EST CLAVIS VICTORIAE

School of Advanced Military Studies
United States Army Command and General Staff College
Fort Leavenworth, Kansas

AY 2010

REPORT DOCUMENTATION PAGE

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing this collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188), Washington, DC 20503

1. AGENCY USE ONLY (Leave blank)	2. REPORT DATE 19-05-2010	3. REPORT TYPE AND DATES COVERED AOASF Monograph, August 2009-May 2010

4. TITLE AND SUBTITLE
Somali Piracy: An Age-Old Solution to a Modern Day Problem

5. FUNDING NUMBERS

6. AUTHOR(S)
CAPT Gregory R. Larson (U.S. Navy)

7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES)
U.S. Army Command and General Staff College
ATTN: ATZL-SWD-GD
Fort Leavenworth, KS 66027-2301

8. PERFORMING ORGANIZATION REPORT NUMBER

9. SPONSORING / MONITORING AGENCY NAME(S) AND ADDRESS(ES)

10. SPONSORING / MONITORING AGENCY REPORT NUMBER

11. SUPPLEMENTARY NOTES

12a. DISTRIBUTION / AVAILABILITY STATEMENT
Approved for Public Release; Distribution is Unlimited

12b. DISTRIBUTION CODE

13. ABSTRACT (Maximum 200 Words)

The purpose of this monograph is to propose a solution to the problem of piracy off Somalia and in the Gulf of Aden. This report provides a historical background of piracy and more specifically, the history and the "roots" of Somali piracy. Of most significance is the lawlessness and lack of governance in the failed state of Somalia. Piracy off the waters of Somalia and the Gulf of Aden has spiraled out of control. The U.S. Navy and the international community have been unable to eliminate piracy, let alone reduce the threat. Despite the increased resources dedicated to Somali piracy, the attacks continue to increase. Pirates simply adapt and change their tactics, attacking ships further and further out to sea, in areas where there is no naval presence. Almost unanimously, experts agree Somali piracy will not be eliminated until there is functional governance in Somalia. The same experts also agree that effective governance in Somalia is not likely to occur anytime in the near future. The solution to the counter-piracy effort is the development of a Somali-based maritime security force, in a sense, privateering. This incentive-based coastguard would be responsible for patrolling the waters off Somali to protect shipping vessels and to control illegal fishing. Laws outlawing ransom payments to pirates – which exacerbates piracy – must be passed. Leveraging neighboring African countries such as Kenya and Somaliland for capacity building and training must also be considered. Coordination of these efforts should be the responsibility of the AU. Ultimately, the goal is to develop an alternative source of income for the Somali population to deter them from engaging in piracy.

15. SUBJECT TERMS
Somali piracy, Horn of Africa, Gulf of Aden, failed states, capacity building, naval task force

15. NUMBER OF PAGES
52

16. PRICE CODE

17. SECURITY CLASSIFICATION OF REPORT Unclassified	18. SECURITY CLASSIFICATION OF THIS PAGE Unclassified	19. SECURITY CLASSIFICATION OF ABSTRACT Unclassified	20. LIMITATION OF ABSTRACT Unclassified

SCHOOL OF ADVANCED MILITARY STUDIES

MONOGRAPH APPROVAL

CAPT Gregory R. Larson

Title of Monograph: Somali Piracy: An Age-Old Solution to a Modern Day Problem

Approved by:

Robert W. Tomlinson Monograph Director
Robert Tomlinson, Col, USAF (Ret.)

Peter J. Schifferle Second Reader
Peter J. Schifferle, PH.D.
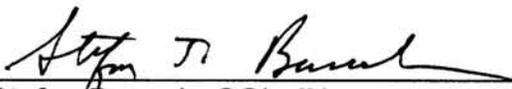
Stefan Banach Director,
Stefan Banach, COL, IN School of Advanced
Military Studies
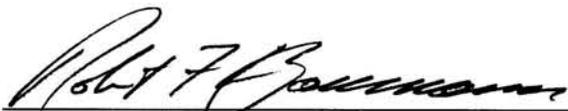
Robert F. Baumann Director,
Robert F. Baumann, Ph.D. Graduate Degree
Programs

Abstract

SOMALI PIRACY: AN AGE-OLD SOLUTION TO A MODERN DAY PROBLEM by
CAPTAIN Gregory R. Larson, USN, 49 pages

The purpose of this monograph is to propose a solution to the problem of piracy off Somalia and in the Gulf of Aden. This report provides a historical background of piracy and more specifically, the history and the "roots" of Somali piracy. Of most significance is the lawlessness and lack of governance in the failed state of Somalia. Piracy off the waters of Somalia and the Gulf of Aden has spiraled out of control. The U.S. Navy and the international community have been unable to eliminate piracy, let alone reduce the threat. Despite the increased resources dedicated to Somali piracy, the attacks continue to increase. Pirates simply adapt and change their tactics, attacking ships further and further out to sea, in areas where there is no naval presence. Almost unanimously, experts agree Somali piracy will not be eliminated until there is functional governance in Somalia. The same experts also agree that effective governance in Somalia is not likely to occur anytime in the near future.

Pirate attacks in Somali waters more than doubled from 2008 to 2009, accounting for nearly 40 percent of the 293 pirate attacks reported worldwide. This monograph finds that, so far, there has been a high tolerance for piracy. As attacks and ransom demands continue to increase, however, nations and shipping companies will bear an increasing financial burden. Providing continuous maritime security for the 2.5 million square miles of ocean and two thousand three hundred mile coastline around Somalia would require the fleet of the entire U.S. Navy. This is simply unsustainable. Conversely, restoring governance in Somalia would require no less than complete occupation of the country. Again, this is something the U.S. government is unwilling to undertake.

The solution to the counter-piracy effort is the development of a Somali-based maritime security force, in a sense, privateering. This incentive-based coastguard would be responsible for patrolling the waters off Somali to protect shipping vessels and to control illegal fishing. Laws outlawing ransom payments to pirates – which exacerbates piracy – must be passed. Leveraging neighboring African countries such as Kenya and Somaliland for capacity building and training must also be considered. Coordination of these efforts should be the responsibility of the AU. Ultimately, the goal is to develop an alternative source of income for the Somali population to deter them from engaging in piracy. The investigative method for this monograph was initially used to determine the problem. Historical books, journals, news articles, media reports and student monographs provided the base for the general principle of piracy. Travel through the Advanced Operational Arts Senior Fellowship proved another useful method of inquiry as it afforded visits to numerous senior leaders and think tanks. The teaching method of classroom discussions and group analysis also assisted in the development of the hypothesis. Email and personal interviews with select subject matter experts, was yet another tool in the development of the relevant inquiry.

Table of Contents

Introduction

Maritime piracy has plagued the world's shipping lanes for over five hundred years and has had deleterious effects on local economies. Modern day piracy is not significantly different than that of yesteryear. Economics have always played a pivotal role. In the late sixteenth century, Algerian and Tunisian pirates caused an almost irreversible decline in the viability of Venice as a trading state.[1] Today, some twenty thousand ships pass yearly through the Gulf of Aden, transporting cargo that includes twelve percent of the world's daily oil supply.[2] Piracy off the Horn of Africa disrupts critical humanitarian aid deliveries to Somalia, increases shipping insurance premiums along one of the world's most traveled routes to exorbitant levels, and raises the prospect of environmental disaster as ships fall prey to hostile intent. Piracy costs governments and businesses billions of dollars per year. It is estimated that Somali pirates 'earned' between $150 and $300 million in 2008 through hostage-taking and ransoming vessels and cargo.[3] In 2009, pirate ransoms increased considerably, proving that conceding to the demands of pirates only perpetuates the problem.

Over the years, piracy has been countered in different ways with mixed results. Today, nations have begun to employ maritime power off Somalia and the Horn of Africa. Nations from NATO and the European Union (EU) are conducting patrols in

---

[1] James Kraska and Brian Wilson, "Fighting Pirates: The Pen and the Sword," *World Policy Journal* (September 2008/09), 43.

[2] United States of America, "Countering Piracy off the Horn of Africa: Partnership & Action Plan," *U.S. National Security Council* (December 2008), 4.

[3] James Kraska and Brian Wilson, "The Co-operative Strategy and the Pirates of the Gulf of Aden," *The RUSI Journal*, (April 2009), 76.

support of several naval task forces in the Gulf of Aden. Naval forces from at least eleven other countries have also deployed to the area to counter the threat. The results of these patrols are mixed – although many pirate attacks have been deterred, there are still many attacks that go undeterred. There are simply not enough resources to patrol this vast region of water.[4] Somali pirates have proven to be very adaptable in expanding their area of operations to successfully continue their trade. The question is: short of temporary stop-gap measures, how can the international community counter the Somali piracy threat in the Gulf of Aden and the waters off Somalia?

Somali piracy is a very complex problem that must be countered with a long-term, forward-looking approach. It will not successfully be fought by short term, stop-gap solutions, such as multinational naval patrols, diplomatic coordination efforts, and enhanced private security efforts by the commercial shipping industry. The inherent structure of the "system" of Somali piracy makes it difficult to stop by merely focusing on impeding pirate vessels. Piracy has always been in need of safe ports, from where pirates can seek refuge and safely unload and trade their loot. Historically as well as today, piracy has only been stopped when it has been approached from multiple angles. Its criminal structure must be undone, its sponsors brought to justice, and most importantly, its incentives must be reversed.[5] Current long-term plans to strengthen regional security capabilities, improve intelligence gathering and sharing, and more effective and capable law enforcement have yet to come to fruition. Ideally, the best

---

[4] Barbara Surk, "Shipping Companies Must Tackle Piracy" *Navy Times* (September 25, 2008) under "Associated Press" www.navytimes.com (accessed January 19, 2010).

[5] Karl Sorenson, "State Failure on the High Seas - Reviewing the Somali Piracy," *FOI Swedish Defense Research Agency* (April 2009), 8.

option would be to have a stable, responsible government in the failed state of Somalia to police the pirates that operate along the coast. However, this is unlikely to happen anytime soon.

Vice Admiral William Gortney, Commander U.S. Naval Forces Central Command stated "Ultimately, piracy is a problem that starts ashore and requires an international solution ashore." [6] A more active defense at sea has not proven to be an effective deterrent against piracy. In fact, piracy has escalated in spite of the increased international naval presence. Pirates have proven to adapt and overcome the challenges placed upon them by hijacking vessels further and further out from the coast of Somalia. Left unchallenged, piracy is spiraling out of control. It now threatens the sea-lanes that transport almost half of the world's cargo, including one-third of Europe's oil supplies. In addition, many of the proceeds from this modern-day piracy may wind up underwriting an extreme Islamist movement. [7]

The only long term solution to the problem is the creation of an African-based maritime security force to patrol the waters off Somalia and the Gulf of Aden. This plan, of course, would require extensive cooperation with and coordination of international governments and businesses. In a sense, this is not unlike the employment of "privateers" to protect shipping off the Horn of Africa. The creation of a maritime security force for Somalia will create jobs and lead in solving the Horn of Africa piracy crisis. As second and third order effects, it will protect Somalia's fishing industry and

---

[6] VADM William Gortney, "Combined Maritime Forces Issues New Alert to Mariners," *Combined Maritime Forces Public Affairs* (April 7, 2009).

[7] Max Boot, "Pirates, Then and Now," *Foreign Affairs Vol. 88* (July/August 2009): 25. According to Boot, there is no empirical evidence to link piracy to Islamic terrorism.

assist in the economic recovery of the failed state of Somalia. Laws must also be passed to prevent shipping and insurance companies from negotiating with pirates. Lastly, as a complementary approach, insurance companies must be convinced to stop paying ransoms to pirates. This would, to a large extent, decrease the monetary incentives for the Somali pirates.[8]

This monograph begins with a definition and an introduction to the history of piracy. The sources were obtained from journals, periodicals, U.S. and foreign government policies and memorandums, and prior theses written on piracy. Secondly, this section discusses the background and reasons for piracy in Somalia as well as the tactics that they employ. Especially important are both the socioeconomic issues and the understanding of what drives Somalis to piracy. The second section details the threats that piracy poses to the shipping industry and the world economy. Possible links of piracy to terrorism are presented as a 'what if?' scenario. Lastly, the U.S. and international policy and responses and the current measures to deter piracy are discussed.

The third, or last section addresses why current measures are not successful and why they are not likely to be successful in the future. This section also details a solution and outlines a plan of action to combat Somali piracy off the Horn of Africa. At the center of the solution is a key element: the situation in Somalia. Somalia is a failed state without a responsible government and that is where the roots of Somalia piracy begin. A course of action is proposed as a viable solution to counter the problem of piracy off Somalia.

---

[8] Sorenson, "State Failure on the High Seas," 40.

The Roots of Piracy

Piracy Defined

The word pirate derives from the Greek word 'peirates,' which was the label for an adventurer who attacked a ship. Central to any definition of piracy is the association with the sea, clearly brought out by the English criminologist Jon Vagg. He stated in 1995 that piracy is equivalent to robbery or banditry, which is armed robbery using violence or the threat of violence in remote areas outside of effective government control. Thus much contemporary piracy takes place in areas, particularly in developing countries, where authorities are unable or unwilling to intervene.[9] The 1982 United Nations Law of the Sea Convention provides the seminal definition, stating that piracy consists of:

(a) Any illegal acts of violence or detention, or any act of depredation, committed for private needs by the crew or the passengers of a private ship or private aircraft, and directed:

   (i)   On the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;

   (ii) Against a ship, aircraft, persons or property in a place outside the jurisdiction of any state;

(b) Any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of the facts making it a pirate ship or aircraft;

(c) Any act of inciting or intentionally facilitating an act described in subparagraph (a) or (b).[10]

---

[9] Derek Johnson and Erika Pladdet, "An Overview of Current Concerns in Piracy Studies and New Directions for Research," *Amsterdam: International Institute of Asian Studies and the Centre for Maritime Research* (2003), 2.

[10] United Nations, "United Nations Convention on the Law of the Sea," (1982).

Thus, in international law, piracy is a crime that can be committed only on or over international waters, including the high seas, exclusive economic zones, international airspace, and other places beyond the territorial jurisdiction of any nation. The same acts committed within the internal waters, territorial sea, or national airspace of a country are within that nation's domestic jurisdiction.[11]

Under provisions of the High Seas convention and the 1982 Law of the Sea convention, a pirate vessel encountered in international waters may be seized and detained only by a nation's warships, or other ships clearly marked and identifiable as being on government service. U.S. warships seizing pirate vessels are guided by U.S. Navy regulations and the fleet commanders' basic operational orders. Under this guidance, U.S. authorities may also arrange and try the pirates and dispose of the pirate vessel, since every nation has jurisdiction under international law over acts of piracy.[12]

The International Maritime Bureau (IMB), the maritime branch of the International Chamber of Commerce, defines piracy as "the act of boarding any vessel with intent to commit theft or any other crime, and with an intent or capacity to use force in furtherance of that act." Since this definition reflects the popular understanding of the word 'piracy', this term will be used throughout this monograph to describe any such act against a ship.[13]

---

[11] James P. Terry, "Eliminating High Seas Piracy - Legal and Policy considerations," *Joint Forces Quarterly* Issue 54 (3rd Quarter 2009), 116.

[12] Ibid, 117.

[13] Oil Companies International Marine Forum, "Piracy - The East Africa/Somalia Situation. Practical Measures to Avoid, Deter, or Delay Piracy Attacks," *Witherby Seamanship International* (2009), 8.

History of Piracy – Pirates...*or Privateers?*

Piracy was once a far more serious problem than it is today. In the seventeenth and eighteenth centuries, pirate communities flourished in and around the Atlantic and Indian Oceans. Pirates were also prevalent in East Asia, with the seas around what is now Indonesia and Malaysia infested for centuries by pirates such as the fierce Dyaks of Borneo and the Ilanun of the Philippines. Koxinga, a Chinese pirate and anti-Manchu rebel, once led as many as 100,000 men, and in 1661, he seized Taiwan from the Dutch. In the early eighteenth century, a confederation of 40,000 pirates based on Canton dominated the South China Sea.

Piracy had a long presence in the Mediterranean, and in many respects it was difficult to distinguish from legitimate war-making activity. Raiding the shipping of enemy countries and taking passengers and crew as slaves was standard practice on both sides between Christian Europe and its Islamic foes, the Barbary powers. Oftentimes, rooting out pirates meant risking not only an international incident, but also full-scale war.[14] The Barbary powers were Morocco, Algiers, Tunis, and Tripoli. With no diplomatic relations between the Europeans and their Barbary Coast foes, war was virtually continuous, and both sides regarded their predation on the other's shipping as legitimate naval operations.[15] Generally, attacks were carried out with private vessels endowed with commissions of war ("letters of marquee") from states to attack enemy ships and take prizes of cargo and crew. These "privateers" were recruited from among

---

[14] Boot, "Pirates, Than and Now," 24.

[15] Thomas G. Woodward, "The Costs of State-Sponsored Terrorism: The Example of the Barbary Pirates," *National Tax Journal* (September 2004), 600.

"pirate" populations and after their commissions ended, they generally returned to their private predatory operations (aka piracy).[16] It was not until 1662, when England established diplomatic relations with Algiers, that war between them ended and treaties were signed. [17] There was no explicit payment made, however there were substantial gifts and bribes involved for the treaties to remain in effect. The treaties consisted of primarily of a yearly tribute to be paid to North African rulers in exchange for safe passage of crews and goods. Characteristically, no payment was ever "final" in dealings with all Barbary powers.

Commonly called piracy, this activity was more properly known as "privateering," the term for state sanctioned piracy. From the perspective of the Barbary powers, their seagoing activities were privateering, not piracy. By their reasoning, they were at war with anyone with whom they did not have a treaty.[18] After the declaration of independence in 1785, the first American vessel was captured by Algiers and the United States was forced to sign treaties with the Barbary powers. U.S. problems with Barbary continued throughout the Napoleonic era. The buildup of the U.S Navy was able to counter the threat somewhat and eventually, the United States and later Britain were forced to use military action. Ultimately, the threat to European shipping was not removed until the French occupied Algiers in 1830.[19] Total annual U.S. costs of dealing

---

[16] Paul Silverstein, "The New Barbarians - Piracy and Terrorism on the North African Frontier," *CR: The New Centennial Review* (Spring 2005), 184.

[17] Woodward, "The Costs of State-Sponsored Terrorism: The Example of the Barbary Pirates," 601.

[18] Ibid, 601.

[19] Silverstein, "The New Barbarians - Piracy and Terrorism on the North African Frontier," 183-184.

with the Barbary pirates are estimated to have been in the range of five-hundred thousand to one million dollars. In today's dollars, those costs are equivalent to $10 billion to $20 billion.[20]

Maritime piracy is experiencing a renaissance not seen since the period of the Barbary pirates. Instability from maritime piracy in the Gulf of Aden is sending ripples throughout the global supply chain, which is already reeling from the collapse of the shipping rates brought on by the worldwide economic slowdown.[21]

The Failed State of Somalia – the Roots of Somali Piracy

An understanding of the problem of piracy in Somalia would be incomplete without an examination of the country's past. Dating back to pre-colonial times, Somalia has always been a conflict-prone, nomadic society. Somalia was held together – and sometimes driven apart – by its elaborate clan system which few outsiders are able to comprehend. The five principal clan families, Darod, Dir, Isaaq, Hawiye, and Rahanweyn, have long dominated particular expanses of territory. Within these clans lies a dizzying array of various sub clans, and sub-sub clans, some cohabitating peacefully, some sporadically hostile. Where most nations would look to the government for solutions to problems, Somalis tended to look to their clans for solutions. In a sense, clans were their own self-regulated checks-and-balance system. The clan-based checks-and-balance system began to crumble with the arrival of the Europeans.[22] At the end of

---

[20] Woodward, "Costs of State-Sponsored Terrorism: The Example of the Barbary Pirates," 611.

[21] Kraska and Wilson, "Fighting Pirates: The Pen and the Sword," 41.

[22] Robert Draper, "Shattered Somalia," *National Geographic* (September 2009), 78.

the nineteenth century, the Italians and the British occupied and divvied up most of Somalia. They attempted to impose Western laws in the region, but they were never really accepted by the Somalis. Disputes tended to be resolved by clan elders, where force and deterrence was the order of the day: "Kill me and you will suffer the wrath of my clan." The British in the North – Somaliland – ruled with a lighter hand than did the Italians in the south. The Italians politicized Somali clan hierarchy by rewarding loyal elders and punishing the less loyal. This led to badly damaged mechanisms for local conflict resolution.[23] One should take note of the modern-day relative stability of Somaliland vs. the turmoil present in Mogadishu.

In 1960, the colonial powers departed and Somalia won independence, but nationalism was soon thwarted by clan divisions which were aggravated during colonial rule. In 1969, General Siad Barre, a member of the Darod clan, stepped into the power void and ruled with clever brutality, publicly outlawing clans, promoting socialism over tribalism and stripping elders of judicial authority. Clan tensions subsequently worsened and Barre was ousted in 1991 by militia warlords of the Hawiye clan, thus sealing his fate. What happened next was nothing less than civil war between rival clans and warlords which gave rise to a new class of parasitic war profiteers – gunrunners, drug smugglers, and pirates.[24]

All attempts by the U.S. government to restore democracy in Somalia have failed miserably. The infamous "Blackhawk Down" episode in 1993 demonstrated how the

---

[23] Jeffrey Gettleman, "The Axis of Upheaval: Somalia," *Foreign Policy* (March/April 2009), 63.
[24] Ibid, 63.

fractious and divisive Somali clans can quickly band together when faced by an external enemy.[25] In October 2002, the Inter-Governmental Authority for Development (IGAD) launched a peace process designed to end factional fighting in Somalia, led by the government of Kenya. In September 2003, the parties agreed on a Transitional National Charter (TNC), and in August 2004, a 275-member Transitional Parliament was inaugurated in Kenya. In October 2004, the Transitional Federal Government (TFG) – a shaky alliance backed by the United Nations – was created under the Presidency of Abdullahi Yusuf Ahmed and has seen its power and governance diminish ever since. In the early 2000s, Mogadishu's clan elders set up a loose network of neighborhood-based courts – the Islamic Courts Union (ICU) – to deliver some semblance of law and order. Islamic law was one set of principles that the different clans could agree on. They rounded up thieves and killers, jailed them, and held trials. In June 2006, the forces of the ICU took control of the capital city of Mogadishu and ran the last of the warlords out of the city. For once, Mogadishu actually became relatively peaceful. The ICU cracked down on piracy by using their clan connections to dissuade coastal towns from supporting the pirates, even storming ships that had been hijacked by pirates.[26]

Unfortunately, the reign of peace was short-lived. War broke out between the moderate Islamists and al Shabaab, the extremist militant group whose aim is to reclaim Somalia and establish an Islamic state by waging jihad.[27] In December 2006, the Bush administration, fearing an Islamic threat to the entire East Africa region, backed an

---

[25] Draper, "Shattered Somalia," 64.

[26] Gettleman, "Axis of Upheaval: Somalia," 65.

[27] Draper, "Shattered Somalia," 87.

11

Ethiopian invasion of Somalia to oust the Islamic government and support the TFG. Within a week, the Ethiopians troops captured Mogadishu with little resistance from the ICU. The Ethiopian intervention led to more chaos and instability, inviting a fresh flow of foreign fighters to Somalia, which has now become a haven for terrorists who see themselves engaged in a global jihad.[28] In 2007 and 2008, more than 22,000 civilians were killed, an estimated 1.1 million people displaced, and 476,000 Somalis fled to neighboring countries. In 2008, fighting between insurgent groups and Ethiopian-TFG forces intensified, and by late 2008, the TFG had lost control of most of south-central Somalia to insurgent groups, mostly al Shabaab. After a long bitter dispute with the prime minister, President Yusuf resigned from office and left for Yemen. In January 2009, Ethiopian forces completed their withdrawal from Somalia.[29]

Al Shabaab now controls most of south and central Somalia, and its area of operations appears to be widening. Its expenses are covered from taxes, tariffs and roadblocks. It includes some opportunists, but its core is made up of ferocious fighters reportedly linked to al Qaeda who are intent on creating a caliphate of greater Somalia, including chunks of Ethiopia and Kenya.[30] Whenever al Shabaab claims a town, one of the first things they do is bring down the Somali flag and hoist their own, further reiterating the breakup of the Somali State.[31]

---

[28] Draper, "Shattered Somalia," 77.

[29] Ted Dagne, "Somalia: Current Conditions and Prospects for a Lasting Peace," *Congressional Research Service* (October 21, 2009), 2.

[30] The Economist, "Terrorism in Somalia - Ever More Atrocious," *The Economist* (December 12, 2009), 54.

[31] LtCol Peter RA Wright, email interview by CAPT Greg Larson, October 27, 2009.

The TFG has very limited power within its borders, as it has been overrun by insurgents, militants, and warring clan leadership. The TFG is under constant duress, controls only a hand full of streets in the capital of Mogadishu and has failed to earn the support or legitimacy it needs to create a sustainable governing body from the Somali population.[32]

In short, there has been no effective governmental control over Somalia's borders for nearly two decades and there is not likely to be any control in the near future. Somalia has been ripped apart by violence since the central government imploded in 1991. Humanitarian, political, and security conditions continue to deteriorate across south-central region of the country. Human trafficking and smuggling are as endemic as maritime piracy. Collectively, these offenses are just another manifestation of the syndicates of organized crime controlling Somalia and operating in the region.[33] Nineteen years and fourteen failed attempts at a government later, Somalia is considered by many to be the most dangerous place in the world.[34]

Although Somalia is a failed state, it is not a failed society. The central government has collapsed, but other forms of authority remain. Some forms of authority are local, restricted to individual towns and villages. Other forms of authority derive from clan or sub-clan positions, and elders exercise their authority using traditional means. Power also flows from political figures who exercise authority through

---

[32] Denise Ziobro, "Somali Piracy," *Carnegie Mellon Heinz College* (December 14, 2009) under "Settings" http://journal.heinz.cmu.edu (accessed February 2, 2010).

[33] James Kraska and Brian Wilson, "Maritime Piracy in East Africa," *Journal of International Affairs* Vol. 62, No. 2 (Spring/Summer 2009), 64.

[34] Gettleman, "Axis of Upheaval: Somalia," 62.

negotiation or patronage of largely self-interested supporters or allies. Militias and Islamic courts also exercise considerable influence in Somali society. Clan organization is a context rather than a determinant of piracy.[35]

Lastly, and perhaps most significant, one type of actor that has actually strengthened its position over the last decade is the Somali entrepreneur. With the gradual disintegration of the Somali economy, Somalia has become dependent on these players. These economic actors control and operate services such as airports, and seaports, run parts of the telecommunication network, supply electricity, and deliver fresh water. In addition, they provide scarce goods through their logistical networks, effectively connecting Somalia, Puntland, and Somaliland with Djibouti, Ogaden and north Kenya. In addition to transcending the Somali clans in terms of organization, these economic actors have also become an increasingly important political constituency. Since the volatility in Somalia often impedes business, many of the business communities maintain a military capability. In several areas, especially in Puntland, some of these business communities are militarily stronger than some of the clan factions. It is difficult to distinguish between actors who run legitimate businesses and those who do not, mainly because many of these entrepreneurs do both. It is within this context that Somali piracy is situated. [36]

---

[35] James Kraska, "Report on the U.S. Naval War College Workshop on Somali Piracy," *International Law Department, U.S. Naval War College* (April 28, 2009), 2.

[36] Sorenson, "State Failure on the High Seas, " 14.

Somali Piracy

Numerous factors have contributed to the rise and continuance of piracy in Somalia. Among them are poverty, lack of employment, environmental hardship, pitifully low incomes, and reduction of maritime resources due to drought and illegal fishing. Perhaps the primary reason is the lack of government and the volatile security situation in Somalia. While monetary gain appears to be the primary motive, observers argue that since the conditions in Somalia are dire, with little to no hope for prosperity, engagement in piracy is worth the risk.[37]

Several groups of pirates currently operate in Somali waters, according to reports from the United Nations Secretary General's Special Representative for Somalia.[38] Organized along clan lines and based in distinct, remote port towns, the groups have varying capabilities and patterns of operation, making generalized responses more difficult. The actual number of Somali pirates is unknown. While there are more pirates now than in previous years, the pirates do not seem to have a unified organization with a clear command structure. Many of these pirates are reportedly fishermen and former militia members of the Somali warlords. The pirates primarily come from the Puntland region of Somalia and are members of different clans. The pirates, however, are not operating alone, according to a number of Somali and regional sources. Some Somali businessmen and officials in Puntland are reportedly behind the piracy. There is evidence that pirates are receiving valuable information about the types of ships, cargo, and timing

[37] Lauren Ploch, "Piracy off the Horn of Africa," *Congressional Research Service* (April 24, 2009), 6.

[38] Ibid, 7.

from Somalis in the Persian Gulf. They also possess sophisticated technology, including Global Position Systems, Automatic Identification Systems, and satellite phones.[39]

One of the unique characteristics of Somali piracy has been the taking of hostages for ransom. In this sense, piracy off Somalia can be viewed as a form of maritime kidnapping. Unlike pirate attacks in the Strait of Malacca or Nigeria, where ships are boarded either to take the vessel or its contents, pirates off the Horn of Africa routinely take the target vessels crew hostage in return for ransom payments. Several key factors make the waters off Somalia fertile ground for maritime piracy. First, the availability of pirate sanctuary ashore provides a safe haven from which pirates operate with virtual impunity. They have several well-developed bases that are extremely well fortified that are used as the origin points for piracy operations.[40] Second, the geographic location of the nation of Somalia and close proximity of the aforementioned lawless piracy hubs – which are situated along the international shipping route from the Suez Canal – creates opportunities to conduct piracy unabated. Third, the availability of legions of young, destitute men combined with numerous unpaid or underpaid complicit and corrupt officials to populate their piracy enterprise. Finally, the low level of risk associated with piracy and the prospect of high rewards continues to draw Somalis into the illicit business.[41] With unemployment rates greater than 50 percent, it is easy to understand why young Somali men are attracted to piracy.[42]

---

[39] Dagne, "Somalia: Current Conditions and Prospects for a Lasting Peace," 7.

[40] Ziobro, "Somali Piracy," (accessed February 2, 2010).

[41] Kraska, "Report on the U.S. Naval War College Workshop on Somali Piracy," 3.

[42] Kraska and Wilson, "Co-operative Strategy and the Pirates of the Gulf of Aden," 76.

Piracy occurred in the region before 1990, but its effects were localized and attacks were infrequent. A more structured form of piracy emerged in the mid-1990s when armed groups of Somalis patrolled the Exclusive Economic Zone of Somalia, claiming they were the authorized "Coast Guard" assigned to protect the country's fishing resources. Initially, the Somalis simply demanded the payment of fines by the foreign fishermen. It soon became evident that hijacking the foreign vessels was much more profitable. By 2005, they were seizing vessels, taking hostages and holding both for ransom.[43]

Ransom payments are the lifeblood of Somali pirates. Each ransom payment further emboldens these pirates and perpetuates the threat. Somali pirates have yet to display an interest in stealing cargo or reusing pirated ships for other reasons (other than temporarily as mother ships). Instead, Somali pirates have created highly visible hostage-for-ransom situations. The pirates have brought seized vessels, cargoes, and crews from the high seas into Somali territorial waters near one of their main land bases of operation where they have access to food, water, weapons, ammunition, and other resources during ransom negotiations.[44] A single attack can be worth $10,000 for a working-level pirate, a decade's wages in Somalia. It is estimated that pirates earned between $150 million and $300 million in 2008 through hostage-taking and ransoming vessels and cargo.[45]

---

[43] Kraska and Wilson, "Co-operative Strategy and the Pirates of the Gulf of Aden," 76.

[44] United States of America, "Countering Piracy off the Horn of Africa: Partnership & Action Plan," 6.

[45] Kraska and Wilson, "Co-operative Strategy and the Pirates of the Gulf of Aden," 76.

Somali Pirate Tactics

Somali piracy is a sophisticated, organized crime system that employs advanced technology. According to a recent United States National Security Council report, Somali pirates have evolved from small scale attacks to highly organized operations that can commandeer well armed western vessels in a matter of minutes.[46] In part, the pirates' recent success can be attributed to securing the latest technology, operating in an enormous geographic area with multiple targets and facing no authority on land to challenge them.[47] Evidence suggests that pirates possess a rudimentary understanding of radar and its potential for helping to identify high density sea lanes.[48]

Somali pirates operate from well-equipped and well-armed bases ashore along the Indian Ocean coast of Central Somalia and Puntland, from the port towns of Caluula, Eyl, Hobyo, and Haradheere.[49] Pirate groups will loiter in known shipping lanes waiting for a likely target. Once they have spotted a vessel, they will approach it in order to establish whether the design, speed and direction of the vessel will allow them to board. If the vessel is unsuitable, they will continue to loiter in the area and look for another vessel to attack. Actual tactics differ slightly depending where they operate. Due to the greater distances involved in the Indian Ocean off Somalia, pirates make use of larger ships and fishing dhows to act as mother ships. These mother ships (which may themselves have

---

[46] Ziobro, "Somali Piracy," (accessed February 2, 2010).

[47] Kraska and Wilson, "Co-operative Strategy and the Pirates of the Gulf of Aden" 75.

[48] Office of Naval Intelligence, "Horn of Africa: Threat Factors for Commercial Shipping and Forecast of Pirate Activity Through 2009," *Office of Naval Intelligence,* (2009), 9.

[49] United States of America, "Countering Piracy off the Horn of Africa: Partnership & Action Plan," 5.

previously been hijacked) are used to re-supply the attack skiffs and to transport them and the pirates out to the target areas. They will try to disguise themselves as normal fishing boats or other vessels normally found in their area of operation.[50] Two to four small high speed boats, or skiffs, with a crew of three to six pirates aboard each individual boat approach the ship. Oftentimes, one skiff acts as the lead spotter. The pirates then attempt a boarding, and if successful, more pirates are picked up underway to better control any hostages. The hijacked ship is then taken to a safe harbor on the Puntland southeastern shore, beyond the reach of the international naval forces.[51] Vessels that carry oil, chemicals, coal, iron ore, wheat and other commodities tend to be more vulnerable to pirate attacks than container vessels that carry manufactured goods. Container vessels are considered more difficult targets by pirates because they ride higher in the water and are more difficult to board and seize from a small boat.[52]

Somali pirates are comparably well armed. Standard equipment generally consists of the AK-47 Kalashnikov automatic rifle and the RPG-7 rocket-propelled grenade launcher. These weapons are easily obtained in war-stricken Somalia. Although well-armed and aggressive, most Somali pirates thus far have exercised little lethal force.[53] Somali pirates consider the act of piracy as a business, and recognize that unnecessary harm or injury to the crew is counter-productive and may harm their

---

[50] EU Maritime Security Centre - Horn of Africa website, http://www.mschoa.eu (accessed January 22, 2010).

[51] Sorenson, "State Failure on the High Seas," 17.

[52] Rawle King, "Ocean Piracy and Its Impact on Insurance," *Congressional Research Service* (February 2009), 3.

[53] Sorenson, "State Failure on the High Seas," 19.

negotiations or the amount of ransom received. To date, the level of violence against ships crews is relatively low when compared to other regions around Africa.[54]

Weather is the primary factor determining when pirates will operate. As the summer monsoon season draws to a close during September, pirates will intensify operations in the Horn of Africa region and the number of pirate-related incidents will increase. Vessel speed is also a significant factor in merchant vessel vulnerability to boarding. Simply put, vessels transiting at lower speeds have a higher risk of being fired upon or boarded than faster vessels. However, even vessels of low speed have successfully evaded attack by not stopping under threat. The majority of attacks occur during daylight hours; however an increase in nighttime piracy incidents was noted in 2009 when compared to 2008.[55]

While the 2008 attacks were predominantly focused in the Gulf of Aden, 2009 has witnessed more vessels also being targeted along the east coast of Somalia.[56] In April and May 2009, five attacks occurred within a one hundred seventy nautical mile radius of Port Victoria, Seychelles; two of these attacks resulted in hijackings. Four additional incidents occurred, one of which occurred two hundred seventy five nautical miles east of the Seychelles, and three of which occurred south of the Seychelles, a distance of eight hundred eighty nautical miles from Somalia. There has been no information to indicate

---

[54] EU Maritime Security Centre - Horn of Africa website, http://www.mschoa.eu (accessed January 22, 2010).

[55] Office of Naval Intelligence, "Horn of Africa: Threat Factors for Commercial Shipping and Forecast of Pirate Activity Through 2009," 10.

[56] CAPT Pottengal Mukundan, International Chamber of Commerce Commercial Crime Services. January 14, 2010. http://www.icc-ccs.org (accessed January 18, 2010).

that pirates are launching attacks from the Seychelles, although it is possible they may

seek refuge on smaller islands nearby.[57]

Piracy Threat

Current Threat

Despite the naval presence and the numerous counter-piracy measures initiated by

the international community, armed piracy along the Somali coast and the Gulf of Aden

is becoming more and more prevalent. In the first week of 2010 alone, four vessels were

hijacked and captured. On January 1, 2010, the British-flagged Asian Glory was seized

off Somalia and the twenty-thousand ton Singaporean-flagged chemical tanker M/V

Pramoni was seized in the Gulf of Aden. Earlier in the same week, pirates also captured

the British-flagged St. James Park and the Greek-owned carrier Navios Apollon. All four

of the ships were taken to Somali ports.[58] In one of the more brazen attacks, the

Ukranian-owned MV Faina, carrying thirty-three T-72 tanks, grenade launchers, and

ammunition destined for Kenya's armed forces was held for nearly five months before

the $3.2 million ransom was finally paid.[59]

Worldwide piracy began to increase in the early 1990s, peaking at roughly 340

reported attacks per year during the period 2000-2004, and then declined by almost half

---

[57] Office of Naval Intelligence, "Horn of Africa: Threat Factors for Commercial Shipping and Forecast of Pirate Activity Through 2009," 7.

[58] CNN, "Somali Pirates Hijack Fourth Vessel in a Week," (January 2, 2010) under http://www.cnn.com (accessed January 3, 2010).

[59] American Journal of International Law, "United States Joins International Response to Somali Pirates," *American Journal of International Law* Volume 103 (2009), 146.

by 2005. In 2007, almost half of the world's reported pirate attacks took place in African waters, mainly near Nigeria and Somalia. According to the International Maritime Bureau (IMB), sea attacks by pirates worldwide rose 39 percent in 2009, from 293 to 406 cases, the highest in six years. 2009 was the third successive year that attacks increased. Somali pirates accounted for 217 of the attacks and seized forty-seven vessels. Attacks in Somali waters more than doubled from 2008 to 2009, accounting for nearly 40 percent of the 293 pirate attacks reported worldwide.[60]

As the number of ships seizures has increased, so has the average ransom received by pirates, tripling since 2007.[61] On Monday, January 19, 2010 Somali pirates freed the one-thousand foot Greek supertanker Maran Centaurus, one of the largest ships ever hijacked. The supertanker was seized on November 29, 2009 about eight-hundred miles off the Somali coast with a crew of twenty-eight and a cargo of crude oil onboard worth approximately $150 million. At least seven million dollars are believed to have been dropped from a small plane onto the deck of the ship and another two million dollars paid in cash transfer. The total of around nine million dollars exceeds the eight million dollars believed to have been paid for the release a year ago of the Sirius Star, a Saudi-owned supertanker of roughly the same size.[62] As of December 31 2009, suspected Somali

---

[60] Statistical information obtained from the International Maritime Bureau Piracy Reporting Center, a division International Chamber of Commerce.

[61] U.S. Africa Command, "United States Africa Command 2009 Posture Statement," *USAFRICOM* (2009), 28.

[62] Malkhadir Muhemed, "EU: Somali Pirates Release Oil Supertanker," *Yahoo News Associated Press* (January 18, 2010), under http://news.yahoo.com (accessed January 18, 2010).

pirates were holding twelve vessels for ransom with two hundred sixty three

crewmembers of various nationalities as hostages.[63]

Although piracy is a disruption to the shipping industry and is upsetting

the current world order, the people of Somalia suffer the most. Rising threats and attacks

on humanitarian operations and frequent attacks on the World Food Programme's (WFP)

relief aid adds significantly to the humanitarian crisis in Somalia. Food is power in

Somalia and pirates have routinely waylaid dozens of foreign vessels bearing food aid.[64]

Over one million people in southern Somalia are in need of WFP aid.[65] Since over 90

percent of all WFP food for Somalia is delivered by sea, naval escorts for ships carrying

WFP food have been essential to ward off the pirates. Piracy is also an environmental

threat as many of the ships passing through the Gulf of Aden are carrying highly sensitive

goods such as chemicals and petroleum.[66]

Links to Terrorism?

Some press reports have suggested that the pirates are being controlled and

directed by al Qaeda or the Islamic insurgents in south-central Somalia. Fortunately, at

this time there is no evidence to support this assertion. During the six months the ICU

was in power, the leaders took measures to end piracy and other criminal activities. In

---

[63] Statistical information obtained from the International Maritime Bureau Piracy Reporting Center, a division International Chamber of Commerce.

[64] Draper, "Shattered Somalia," 87.

[65] World Food Programme Website, "World Food Program Facing Growing Humanitarian Challenges," (January 5, 2010) under http://www.wfp.org/stories/wfp-facing-growing- humanitarian-challenge-somalia (accessed January 21, 2010).

[66] Sorenson, "State Failure on the High Seas," 9.

November 2008, one of the top leaders of the insurgents, Sheik Hassan Aweys, called on the pirates to end their criminal activities, and other insurgent leaders threatened to take military action against the pirates.[67] Furthermore, previous statements by al Shabaab and its predecessor indicate that they are anti-piracy (the ICU arrested several pirates in the six months that they were in power in 2006) so it is difficult to make that case. Nevertheless, it is a subject which is often discussed because it seems such an obvious link, particularly if al Shabaab was suddenly short of money. One could also be more cynical and point out that presently, southern ports make money for al Shabaab through smuggling, mainly to Kenya. This might be jeopardized if they indulged in piracy, angering the ICU. In the view of the United Kingdom (UK) Ministry of Defense, there is no link at this time. The key issue here is to ensure that one is not created by too heavy-handed a response by ICU, which forces them to link on basis of 'enemy of my enemy is my friend.'[68]

Furthermore, U.S. Navy officials have not found that fighters associated with al Shabaab have financial ties to piracy at present, but the potential for personnel linkages may remain. To the extent that ransom payments and new arms further empower criminal pirate groups, the challenge that such groups pose to local authorities at present and to reconstituted national authorities in the future could grow.[69] Vice Admiral William Gortney, the commander of U.S. Naval Forces Central Command told the House Armed Services Committee on March 5, 2009, that "we look very, very carefully for a

---

[67] Dagne, "Somalia: Current Conditions and Prospects for a Lasting Peace," 7.

[68] Wright, October 27, 2009.

[69] Ploch, "Piracy off the Horn of Africa," 16.

linkage between piracy and terrorism or any kind of ideology and we do not see it. It would be a significant game changer should that linkage occur. But we have not seen it. We watch very carefully for it."[70]

On the other hand, there is reason to be concerned about that piracy and terrorism could become intertwined in the future. A number of the pirate attacks taking place are originating from Yemen shores, not just from Somalia. Yemen has become a new regional base for al Qaeda and piracy. Al Qaeda fighters from around the world are finding solace in Yemen and seem intent on causing as much disruption as possible in the Horn of Africa. Yemen is proving to be an accelerator to tension and ongoing problems in the region, even though not part of the region itself.[71]

Economic Impacts

As the number of attacks increases – and the pirates become more daring, hijacking larger and more valuable vessels – so have insurance shipping rates. As a result of the increasing number of attacks, Lloyds of London, in May 2008, designated the Gulf of Aden a "war-risk" zone subject to a special insurance premium. The larger, more vulnerable ships such as big oil and chemical tankers, and bulk carriers must pay tens of thousands of dollars a day in extra war zone insurance to cross the Gulf.[72] The war risk zones are established by the London-based Lloyd's Market Association's Joint War

---

[70] Gortney, "Combined Maritime Forces Issues New Alert to Mariners," (April 7, 2009).

[71] UK Defence Academy Headquarters, "Horn of Africa Seminar Summary Report," *Defense Academy Headquarters Research and Assessment Branch*, September 28, 2009), 3.

[72] Nick Amies, "Shipping Insurance Skyrockets as Pirate Attacks Increase," Deutsche Welle website (May 27, 2009) under http://www.dw-world.de (accessed 23 2010, January).

Committee (JWC). Consequently, insurance companies have increased surcharges for sending a cargo shipment through the Gulf of Aden to about nine-thousand dollars from nine-hundred dollars a year ago.[73] One group of London insurance brokers and underwriters estimates extra premiums even higher at ten-thousand dollars to twenty-thousand dollars per trip through the Gulf.[74]

Many shipping companies have chosen to skip the Gulf of Aden and Suez Canal, instead transiting around the Cape of Good Hope. But that voyage adds an extra two to three weeks to the trip, which in turn can add to the financial burden. If the cargo is time critical, shipping companies are sometimes liable for the interest for those additional days or weeks the cargo is late. A delay of just one day can cost shipping companies in excess of ten-thousand dollars in extra labor, harbor fees, and fuel costs.[75] Ultimately, these increased costs are passed down to the consumer.

Some shipping companies have given thought to hiring private security forces to protect their ships, but the estimates for the added cost for security ranges as high as sixty-thousand dollars per trip.[76] Other officials simply dismiss the threat of piracy, deciding to take their chances in the Gulf. They point out that, since only a fraction – one-half of one percent – of the more than fifty commercial ships that still pass through the Gulf of Aden every day are attacked, the risks remain minimal.

---

[73] King, "Ocean Piracy and Its Impact on Insurance," 1.

[74] Ibid, 3.

[75] Amies, "Shipping Insurance Skyrockets as Pirate Attacks Increase," (accessed January 23, 2010).

[76] King, "Ocean Piracy and Its Impact on Insurance," 2.

Despite the increased threats and estimates of rising costs, the impact on the insurance industry appears negligible. Given the size of the property and casualty insurance industry's policyholder's surplus of about $505 billion as of June 2008, and the relatively low total cost of vessel hull and war risk premiums of approximately $350 million and total cargo premiums written by U.S. marine insurance market in 2007 of $833 million, it appears that the insurance industry would be financially capable of handling U.S. exposures to acts of piracy in international waterborne commerce.[77]

More significant is the impact that piracy has on the economy of Somalia. Some experts estimate that African coastal countries lose up to one-billion dollars per year due to unlawful fishing, much of it off Somalia. The pirates' frequent attacks off the waters off Africa's coasts are being over-fished at an alarming rate by a variety of entities aware of Africa's inability to monitor and regulate this activity in their economic zone. If this continues, some forecasters predict that the ecological system that supports the fish population, the primary source of protein for many African states, could fail by 2045. Without the ability to secure their maritime spaces and regulate fishing, the nations of Africa will lose this important source of food and revenue for their people.[78] A July 2005 report from the United Kingdom Department for International Development estimated that Somalis lost one-hundred million dollars to illegal tuna and shrimp fishing in the country's exclusive economic zone in 2003-2004.[79]

---

[77] King, "Ocean Piracy and Its Impact on Insurance," 2.

[78] U.S. Africa Command, "United States Africa Command 2009 Posture Statement," 5.

[79] Ploch, "Piracy off the Horn of Africa," 8.

U.S. and International Policy on Somali Piracy

On April 11 2009, U.S. Navy SEAL snipers killed three pirates holding Captain Richard Phillips of the *Maersk Alabama* merchant ship hostage after officials determined that Philips' life was in immediate danger. A leader of the pirate group later vowed revenge, telling reporters that "this matter will lead to retaliation and we will hunt down American citizens travelling our waters. Next time, we get American citizens... they should expect no mercy from us." Three days later, an attack on a U.S flagged vessel, the MV *Liberty Sun*, appeared to be an attempt by pirates to make good on their threat. After the attack on the *Liberty Sun*, pirate leaders told reporters that "we were not after a ransom. We assigned a team with special equipment to chase and destroy any ship flying the American flag in retaliation for the brutal killing of our friends."[80] Fortunately the attack was unsuccessful.

The United States has a vital national interest in maritime security – to the point of using the aforementioned lethal force – as indicated by their actions and the stated policies. In June 2007, the Bush administration adopted a Policy for the Repression of Piracy and Other Criminal Acts of Violence at Sea. It stated that it is the policy of the United States to "continue to lead and support international efforts to repress piracy and other acts of violence against maritime navigation and urge other states to take decisive action both individually and through international efforts." In December 2008, the Bush administration issued an implementation plan based on that policy to address piracy threats in the Horn of Africa region. The U.S. National Security Council *Countering*

---

[80] Ploch, "Piracy off the Horn of Africa," 1.

Piracy off the Horn of Africa: Partnership and Action Plan set out the objective "to repress this piracy as effectively as possible in the interests of the global economy, freedom of navigation, Somalia, and the regional states."[81] In pursuit of that objective, the plan outlined three "lines of action" for U.S. policy: prevent pirate attacks by reducing the vulnerability of the maritime domain to piracy; disrupt acts of piracy consistent with international law and the rights and responsibilities of coastal and flag states; and ensure that those who commit acts of piracy are held accountable for their actions by facilitating the prosecution of suspected pirates by flag, victim and coastal States, and, in appropriate cases, the United States.[82] The Bush administration then formed an interagency counter-piracy task force in support of the 2007 policy and the 2008 plan that "addresses the full spectrum of anti- and counter-piracy efforts, from piracy prevention to interruption and termination of acts of piracy, to ensure the accountability of pirates." Subsequent to the December 2008 NSC *Action Plan*, the U.S. pledged support for establishing an international Contact Group on piracy and a regional counter-piracy coordination center under the International Maritime Organization.[83]

In 2008, the United Nations Security Council took extraordinary measures against Somali piracy and adopted four resolutions to decisively expand operational capabilities, authorize pursuit of pirates into territorial seas, clarify legal authorities, and strongly endorsed the goal of criminally prosecuting pirates. Because the resolutions were

---

[81] United States of America, "Countering Piracy off the Horn of Africa: Partnership & Action Plan, 2.

[82] Ibid, 3.

[83] Ploch, "Piracy off the Horn of Africa," 14

decided under chapter VII of the UN charter, they are legally binding in all states. Importantly, NSC resolution 1851 invited states and regional organizations fighting piracy off the coast of Somalia to conclude special agreements or arrangements with countries willing to take custody of pirates in order to embark law enforcement officials.[84] As a stopgap, the EU, the UK, and the U.S. have entered into agreements with Kenya, which has agreed to accept suspected pirates into their justice system.[85] In addition to being next to Somalia, Kenya is a functioning state with an interest in keeping shipping lanes open. Although Kenya's justice system has resulted in some convictions, the Kenyan courts lack the resources to deal with many more malefactors. Other suspected pirates, such as the ten men detained by the Danish Navy in 2008, or the nine men seized by the U.S. Navy in February 2009, are simply released due to lack of ironclad evidence.[86] Lastly, NSC resolution 1872, adopted in May 2009, authorized member states to participate in the training and equipping of the TFG security forces.[87]

Despite the NSC resolutions, U.S. Africa Command (AFRICOM) currently has no stated policy on the Somali piracy issue. Vicki Huddleston, the Deputy Assistant Secretary of Defense for Africa AFRICOM's policy goals and objectives best describes AFRICOM's goal as capacity building.[88] She states that:

---

[84] Kraska and Wilson, "Co-operative Strategy and the Pirates of the Gulf of Aden," 79.

[85] On 4/1/2010, Kenya announced it will no longer accept and prosecute pirates in its judicial system, citing frustration with the international community not living up to the promise to help Kenya.

[86] Boot, "Pirates, Then and Now," 26.

[87] Kraska and Wilson, "Co-operative Strategy and the Pirates of the Gulf of Aden," 79.

[88] Vicki Huddleston, Deputy Assistant Secretary of Defense for Africa, interview by John Vandiver, September 23, 2009. Accessed on USAFRICOM website.

The intention is to build strong militaries in Africa that are under civilian control and are professional and respect human rights and can defend their country and provide a stable environment for development. A second goal is building stronger regional organizations so that they, with their component membership, can address challenges to the stability of various African nations. Most importantly, Huddleston reminded that "President Obama says: 'Africans have to do it themselves; that's where the real impetus comes from; turn Somalia into a land where its citizens have enough stability to have a chance to make good livings and to provide stable lives for their children.'"[89]

While capacity building is the essential first step for a stable Somalia, there are several other key legal problems inherent in attempting to contain piracy at sea. First is the problem of dealing with captured pirates. Even if they are taken to trial it is worth noting that there is a basic contradiction between human rights demands for certain standards within jails and ensuring that it is worse than conditions at home. It is reported anecdotally that one of key reasons for taking up piracy is to earn enough money to pay smugglers for a ticket to West. If western governments put pirates on trial in their own countries, the pirates have achieved their aim.[90]

A number of nations have facilitated ransoms in order to obtain the release of their nationals and ships held by Somali pirates. Some states, including Denmark, have released captured pirates unpunished due to legal and diplomatic confusion or difficulty with detaining and prosecuting the perpetrators in criminal court. These practices actually encourage piracy.[91]

Lastly, the Africa Union (AU) has a force of a little more than five-thousand peacekeepers in Somalia, mostly from Uganda and Burundi. But the AU forces cannot

---

[89] Huddleston, interview on September 23, 2009. Accessed on USAFRICOM website.

[90] Wright, October 27, 2009.

[91] Kraska, "Report on the U.S. Naval War College Workshop on Somali Piracy," 3.

31

patrol freely beyond a few streets in one section of Mogadishu.[92] Lieutenant General

Koreta, Deputy Chief, Uganda Peoples Defense Forces, estimates that four-thousand to

five-thousand forces are needed in Mogadishu alone. Although they may make a small

contribution to peacekeeping, Koreta states "it's not small fishermen trying to protect

their Exclusive Economic Zone; it is big money and big business. The foot soldiers are

doing the work, and the generals are sitting on the shore. The problem must be solved in

Somalia."[93]

Naval Presence

The U.S. Navy Fifth Fleet in Bahrain Combined Maritime Forces (CMF)

established Combined Task Force 151 (CTF-151) in 2008, specifically for counter-piracy

operations. Naval ships and assets from more than 20 nations comprise the CMF. The

list of countries participating in CTF-151 is fluid and consists of personnel and

approximately two dozen ships from the United States, the United Kingdom, Canada,

Denmark, France, Germany, Greece, Italy, the Netherlands, Pakistan, Saudi Arabia,

Spain, South Korea, Turkey and Yemen, among others.[94] The emerging maritime powers

of India and China have also recently joined in on the fight.[95] The CMF created the

Maritime Security Patrol Area (MSPA) in the Gulf of Aden in August of 2008 to support

international efforts to combat piracy. Coalition efforts included CTF-150 assets

---

[92] Economist, "Terrorism in Somalia - Ever More Atrocious," 54.

[93] Lieutenant General Koreta, Deputy Chief, Uganda People's Defense Force, (lecture at Australia Center for Defense and Strategic Studies February 24, 2010).

[94] Ploch, "Piracy off the Horn of Africa," 20.

[95] Kraska and Wilson, "Co-operative Strategy and the Pirates of the Gulf of Aden," 80.

patrolling the area with ships and aircraft. However, the charter for CTF-150, established at the outset of Operation Enduring Freedom, was for the conduct of Maritime Security Operations (MSO) in the Gulf of Aden, the Gulf of Oman, the Arabian Sea, Red Sea and the Indian Ocean. Operations included the deterrence of destabilizing activities, such as drug smuggling and weapons trafficking. "The establishment of CTF-151 allowed CTF-150 assets to remain focused on those activities, giving CTF-151 the ability to focus solely on the counter-piracy mission. "Some navies in our coalition did not have the authority to conduct counter-piracy missions," said Vice Adm. Bill Gortney, CMF commander. "The establishment of CTF-151 will allow those nations to operate under the auspices of CTF-150, while allowing other nations to join CTF-151 to support our goal of deterring, disrupting and eventually bringing to justice the maritime criminals involved in piracy events." Gortney highlighted the reduction in piracy events in the region due to merchant mariners' proactive measures.[96] He also cautioned that the efforts of coalition and international navies won't solve the problem of piracy. "The most effective measures we've seen to defeat piracy are non-kinetic and defensive in nature. The merchant ships have been doing a great job stepping up and utilizing these methods to defeat piracy attempts. That's a great first step, but the problem of piracy is and continues to be a problem that begins ashore and is an international problem that requires an international solution. We believe the establishment of CTF-151 is a significant step in the right direction."[97]

---

[96] Gortneys' statement conflicts with the actual statistics; despite the naval presence, piracy has significantly increased.

[97] Gortney, "Combined Maritime Forces Issues New Alert to Mariners," (April 7, 2009).

Under UK leadership, the European Union (EU) launched a major operation called Atalanta, involving up to twenty ships and one thousand eight hundred personnel. Forces participating in Operation Atalanta have been tasked with providing protection for WFP vessels and merchant vessels and are authorized to "employ the necessary measures, including the use of force, to deter, prevent and intervene in order to bring to an end acts of piracy and armed robbery which may be committed in the areas where they are present." In August 2009, NATO launched Operation Ocean Shield, under the command of Standing NATO Maritime Group TWO. Operation Ocean Shield has a primary responsibility to deter and respond to piracy. A new component of the mission is participation in capacity building efforts with regional governments. In relation to this new mission, the Group flagship has hosted maritime officials from the Puntland regional government and visited the Somali port of Bosaso in the northern province of Bari for consultations with officials responsible for port security and maritime transportation. As of August 2009, five ships from the UK, Greece, Italy, Turkey, and the United States were participating.[98]

Vice Admiral Gortney warned, however, that the international shipping industry must take on more responsibility to protect vessels against pirate attacks and kidnappings in the dangerous Gulf waters rather than rely on the Navy. He said the U.S.-led coalition patrolling the Gulf of Aden "simply does not have the resources to provide 24-hour protection for hundreds of commercial vessels passing through daily." Accordingly, the British navy's commander in the Middle East, Commodore Keith Winstanley,

---

[98] Ploch, "Piracy off the Horn of Africa," 21.

acknowledged in a September 2008 telephone interview in with the Associated Press a "considerable spike in destabilizing activity, with smuggling, trafficking, hijacking and crew kidnappings becoming "an extremely lucrative business." Wistanley warned that the presence of coalition destroyers, frigates and an aircraft carrier alone won't stop the piracy. "We do what we can, but the solution to this problem is clearly not at sea, but ashore in Somalia."[99]

On November 18, 2009, pirates hijacked the *Maersk Alabama* again for the second time. An onboard security team repelled the attack by using evasive maneuvers, small arms fire, and a Long Range Acoustic Device, which can beam earsplitting alarm tones. Vice Admiral Gortney said the *Maersk Alabama* followed the industry's best practices" in having a security team onboard. One should note that the owners of the Maersk Alabama had spent a considerable amount of money since the first hijacking in April 2009, to make the vessel pirate-proof. Company officials noted that the most dramatic improvement was the presence of a security force of highly trained ex-military personnel.[100] Several arguments have been made to support the arming of merchant vessels to deter piracy. However, it would involve purchasing weapons, training crews, or contracting with private security companies. This would be a costly venture that shipping companies would likely resist, given the low percentage of ships that are actually attacked.[101]

---

[99] Surk, "Shipping Companies Must Tackle Piracy" (accessed January 19, 2010).

[100] Jason Straziuso, "Maersk Alabama Repels 2nd Pirate Attack with Guns," Associated Press (November 18, 2009) under http://news.yahoo.com (accessed January 22, 2010).

[101] Ploch, "Piracy off the Horn of Africa," 26.

The IMB recommends, along with ship evasive maneuvers, several deterrents such as satellite tracking systems to monitor ships' locations and a non-lethal nine-thousand volt electrifying fence to prevent pirates from boarding ships.[102] Other self-protective measures, ranging from increased lookouts to zigzag maneuvers to the use of razor wire and fire pumps, are based on recommendations by the EUs' maritime security center for the Horn of Africa.[103] In many cases, merchant vessels have been able to fend off pirates or avoid attacks using relatively simple best practices – such as increased surveillance, transiting at night, charging fire hoses, speeding up and evasive maneuvering. In other cases, the pirated vessel has allowed itself to become a victim by stopping.[104] Although U.S. military officials are encouraging merchants to sail with armed guards and to travel within lanes now patrolled by U.S. warships, the IMB opposes the use of arming merchant ships on several grounds. Many ships such as tankers carry flammable cargo such as oil, making them floating bombs should such cargo ignite from gunfire or explosives. In fact, the oil from the recently hijacked Greek supertanker, Maran Centaurus was so flammable that tobacco smoking is forbidden on deck.[105]

Roger Middleton, a piracy expert at the London-based think tank Chatham House, said the international maritime community was still "solidly against" armed guards aboard vessels at sea, but that American ships have taken a different line than the rest of

---

[102] International Chamber of Commerce International Maritime Bureau, "Piracy and Armed Robbery Against Ships - Annual Report," *International Chamber of Commerce* (2009), 39.

[103] EU Maritime Security Centre - Horn of Africa website, http://www.mschoa.eu (accessed January 22, 2010).

[104] United States of America, "Countering Piracy off the Horn of Africa: Partnership & Action Plan," 5.

[105] Muhemed, "EU: Somali Pirates Release Oil Supertanker," (accessed January 18, 2010).

the international community. "Shipping companies are still pretty much overwhelmingly opposed to the idea of armed guards," Middleton said. "Lots of private security companies employ people who don't have maritime experience. Also, there's the idea that it's the responsibility of states and navies to provide security. I would think it's a step backward if we start privatizing security of the shipping trade."[106]

Lastly, U.S. and other naval forces stationed off East Africa have not been given the robust Rules of Engagement that are needed to combat piracy. There is not much that a U.S. Navy ship can do if it encounters a "fishing trawler" full of armed young men off the coast of Somalia. Under current international laws, these likely pirates are treated as civilians, not combatants. There is no prohibition against Somalis toting guns.[107]

Clearly, the international community does not believe maritime piracy off the Horn of Africa is a serious enough security threat to warrant a full-scale effort. Statistically, less than one-half of one percent of ships transiting through the waters off Somalia have been attacked. Although pirate attacks make attractive front-page news headlines, the reality is that the international shipping industry considers piracy to be an acceptable risk of doing business. It is simply more cost effective to pay the increased insurance premiums and take the risk of a pirate attack. Unfortunately, this practice makes it even more lucrative for pirates and can actually encourage piracy. From here, the problem can only get worse. Despite the abundance of resources dedicated to countering piracy in Somalia, there seems to be no solution or cessation of the problem.

---

[106] Straziuso, "Maersk Alabama Repels 2nd Pirate Attack with Guns," (accessed January 22, 2010).

[107] Boot, "Pirates, Then and Now," 26.

The following recommendations will require a coordinated, unified effort by the U.S. government, Somali TFG, USAFRICOM, the AU, the people of Somalia and the international shipping industry.

Conclusion

In recent years, piracy off Somalia and the Horn of Africa has been given considerable worldwide attention. Numerous papers and articles have been written on countering the piracy threat, viewing at the problem through many different lenses. Most of these articles have focused on methods to prevent and deter existing threats. Some articles have attempted to frame and understand the socioeconomic issues as a cause of piracy and focused on the stabilization of the failed state of Somalia and the restoration of order and law.

The statistics prove that the international response to Somalia piracy has been inadequate. More than twenty countries, including China, France, India, Russia, the United Kingdom, and the United States, have responded by sending naval forces to the regions off East Africa. But with an average of only fourteen warships focused on combating piracy in the region at any one time, they have been unable to effectively police the more than one million square miles of ocean that is transited by more than twenty-thousand cargo vessels every year.[108] Despite the international community's best efforts, the attempt to gain control of the seas off Somalia has fallen short. Four UN security resolutions in 2008 alone, two combined naval task forces committed exclusively

---

[108] Boot, "Pirates, Then and Now," 20.

to piracy, and attacks are increasing as Somali pirates are pirates are getting more organized and brazen each year. Recent attacks have been conducted with almost military precision. The pirates are well trained, learn from their mistakes, and have well laid out plans. Ransom income is funding increasingly sophisticated operations and better equipment.[109] Pirate attacks in Somali waters more than doubled from 2008 to 2009, accounting for nearly 40 percent of the 293 pirate attacks reported worldwide.[110] So far, there has been a high tolerance for piracy because costs are diffuse throughout the international system, with no single nation or organization bearing the burden.[111]

Piracy stems from serious instability within Somalia, exacerbated by a lack of capacity for regional response. It must be looked at as a way to provide a way to earn a living in a country deprived of employment opportunities.[112] Somali piracy is strictly a money-driven business, so well functioning that is integrated into the socio-economic fabric of Puntland. Although no connection to terrorism exists at this time, the possibility exists in the future that some group with a political agenda would be willing to use this type of force to as a means to acquire funding.[113]

Failure to deal with piracy could lead to it being replicated in the East and wider. Piracy is becoming big business; it has gone far beyond just aiding the community. There are also good reasons to believe that outside funding is beginning to be used to aid

---

[109] UK Defence Academy Headquarters, "Horn of Africa Seminar Summary Report," 6.

[110] Statistical information obtained from the International Maritime Bureau Piracy Reporting Center, a division International Chamber of Commerce.

[111] Kraska, "Report on the U.S. Naval War College Workshop on Somali Piracy," 4.

[112] Sorenson, "State Failure on the High Seas," 30.

[113] Ibid, 33.

the pirates.[114] Ultimately, everyone agrees that the best solution is for a restoration of law and order to develop within the country of Somalia, but neither the international community nor the United States has been able to devise such an outcome.[115]

Piracy will not fade until effective deterrents, mainly prosecution and punishment, are in place. With Somalia unable to provide such deterrents, it falls to the international community to make progress in this area.[116] The development of a Somali coastguard is a necessary, but long-term proposition.[117]

Any long term solution must take into account the many complex issues involved, including the need to support improvements in governance and the rule of law. The attempt of containing or eliminating piracy by a naval presence may create a change in tactics and temporarily reduce attacks, but ultimately, change very little. Until there are no more profits to be made, or Somalis are able to seek employment elsewhere, the piracy attacks will continue.[118] In the meantime, the creation of a Somali-based coastguard will create stability in the waters off Somalia, protect the coastline from illegal fishing and create a desperately needed source of employment for Somalis. As a second order effect, this may very well be the first step toward a stable government in Somalia. As President Obama says "Africans have to do it themselves; that's where the real impetus comes from; turn Somalia into a land where its citizens have enough

---

[114] UK Defence Academy Headquarters, "Horn of Africa Seminar Summary Report," 6.

[115] Ibid, 13.

[116] Kraska and Wilson, "Fighting Pirates: The Pen and the Sword," 47.

[117] Kraska, "Report on the U.S. Naval War College Workshop on Somali Piracy," 11.

[118] Sorenson, "State Failure on the High Seas," 35.

stability to have a chance to make good livings and to provide stable lives for their children."[119]

Recommendations

By all accounts, pirates will likely continue to find sanctuary in Somalia until basic governance and security conditions change.[120] In order for Somali piracy to be successfully addressed, most experts agree that the rule of law must be restored, especially in Puntland, the region of Somalia that serves as the primary staging area for most piracy originating from the country.[121] As previously noted, this is unlikely to occur anytime soon. Somalis, collectively, want piracy banned and they also know that more needs to be done to combat illegal fishing and toxic waste dumping in and around the Somali shores.[122]

The Somalia piracy issue cannot be solved with naval vessels, which have proven to be effective only in the areas in which they patrol. Pirates simply change their tactics and attack vessels in areas where there is little or no maritime security. Recently, British foreign secretary David Miliband wrote "Ultimately, it will not be possible on practical and resource grounds to provide the level of military security and protection in the Indian Ocean as can be provided in the Gulf of Aden." His comments were an admission of the

---

[119] Huddleston, interview by John Vandiver, Accessed on USAFRICOM website.

[120] Ploch, "Piracy off the Horn of Africa," 27.

[121] Kraska, "Report on the U.S. Naval War College Workshop on Somali Piracy," 5.

[122] UK Defence Academy Headquarters, "Horn of Africa Seminar Summary Report," 7.

gravity of the piracy situation and a rare public acknowledgement by a British politician of the limitations of the anti-piracy operation.[123]

Piracy must be addressed ashore in the state of Somalia. The use of armed forces for land strikes against pirate safe havens ashore is not feasible. They would be difficult to conduct and likely ignite anti-western reaction and inflame Muslim passion, making the cure worse than the disease.[124]

Westerners may think piracy is a crime, but it is not necessarily seen in that light by some Somalis – it is seen more as a business activity and a means to make a living. To counter piracy, one has to make it uneconomic or unacceptable to the population.[125] Without the means, however, to apprehend the pirates and bring them to justice, piracy will continue to flourish. On April 1, 2010, Kenya announced that it would no longer accept and prosecute pirates in its judicial system, just fifteen months after they signed an agreement with the U.S. to do just that. Among the reasons for the decision was the frustration with other countries not living up to the promise of helping Kenya with the prosecution and the imprisonment of pirates. Kenyan Foreign Minister Moses Wetangula told reporters, "for the last two weeks, we have declined to accept captured pirates from some of our friendly countries and told them to try it elsewhere. We discharged our

---

[123] Jonathan Saul, "Navies Too Stretched on Piracy in Indian Ocean: UK," Reuters News Service (December 23, 2009) under www.af.reuters.com (assessed January 2,2010).

[124] Kraska, "Report on the U.S. Naval War College Workshop on Somali Piracy," 11.

[125] Wright, October 27, 2009.

international obligation. Others shied away from doing so. We cannot bear the burden of the international responsibility," Wetangula said.[126]

Piracy will only be solved with a coordinated multi-faceted, multi-national approach. It must replace the existing structure and create alternative sources of income for Somalis. The solution must engage the international community, the commercial shipping sector, and government agencies and organizations, especially in Africa. There are three key ingredients that would ensure success.

The first and most essential key ingredient is the creation of a Somali-based maritime security force that would patrol the waters off Somalia and the Gulf of Aden. Responsibilities would be to control illegal fishing and the protection of commercial vessels. This coastguard could be formed in several ways. The first method would be to single out the strongest and most organized pirate group and create a substantial Somali coastguard. This would ensure national ownership of the piracy question, and increase the general knowledge of the business and make an important contribution to impeding the piracy. The idea might seem controversial, since given the extent of the Somali piracy, any future Somali coastguard will at least in part consist of some of the former pirates.[127] In a sense, this would be "privateering."

If unable to single out the most organized pirate group, assistance should be provided to some of the stronger clan elders who may have some influence in reducing

---

[126] BBC News, "Kenya Ends Trials of Somali Pirates in its Courts," BBC News Online (April 1, 2010) under www.bbc.co.uk (accessed April 2, 2010).

[127] Sorenson, "State Failure on the High Seas," 43.

piracy.[128] Ransom payments have routinely triggered deadly struggles between the pirates' fractious clans. In the case of the *Maran Centaurus*, another rival clan of pirates had attacked the gunmen holding the ship hostage, sparking a deadly feud and killing two pirates. The intention of the second group of pirates was to force the original gunmen to give them a cut of the ransom by using a show of force. Indeed, this pitting of rival clans against one another may be a viable solution.[129]

Another option is to leverage some of the influential Somali "entrepreneurs" to create a coastguard since they are presumably in control of some of the piracy anyway. This would have the added benefit of providing Somalia with a service that they need, but obviously would require additional training. Instead of using naval assets for patrolling, they should be used for training and capacity building of the indigenous security forces. More resources should be devoted to the TFG and less to the naval presence. This solution would require TFG oversight and approval of the organization as a legitimate Somali coastguard. The coastguard should be divided up into specific areas of responsibility (AOR) and should be employed on an "incentive" basis. If piracy attacks decreased in a specific AOR, the responsible group would be rewarded. Conversely, if attacks increased in an AOR, the opposite would hold true. Initial funding could come from African countries that have an economic interest in eliminating piracy. Initially, existing boats and equipment should be used, as Somalis have already demonstrated

---

[128] Sorenson, "State Failure on the High Seas," 12.

[129] Muhemed, "EU: Somali Pirates Release Oil Supertanker," (accessed January 18, 2010).

superior security and seamanship skills. As economic conditions improve, more modern equipment could be procured.

USAFRICOM should assist in the training. Combined Joint Task Force – Horn of Africa (CJTF-HOA), subordinate to USAFRICOM is based in Djibouti and employs an indirect approach to counter extremism. Through a strategy of Cooperative Conflict Prevention, the task force builds security capacity, promotes regional cooperation, and protects coalition interests.[130] Currently, CJTF-HOA conducts activities and security cooperation programs in Kenya, Southern Sudan, Djibouti, Yemen, Ethiopia, and the coastal waters of the Red Sea, Gulf of Aden, and Indian Ocean, and across existing unified command boundaries in Uganda, Tanzania, Mauritius, and the Comoros Islands.[131] One should note that Somalia, the country most in need of support, is given little to no attention. In fact, USAFRICOM does not have any personnel in Somalia nor is the United States providing or planning any direct military support for government-led military actions. There is no desire to Americanize the conflict in Somalia. The U.S. policy is that the TFG military operations are the responsibilities of the TFG government.[132]

The Somalia peacekeeping and capacity building mission is currently being led by the AU's Africa Mission in Somalia (AMISOM).[133] The five-thousand troop AMISOM

---

[130] U.S. Africa Command, "United States Africa Command 2009 Posture Statement," 12.

[131] U.S.Africa Command, "Combined Joint Task Force - Horn of Africa" Factsheet.

[132] U.S.Africa Command U.S. Policy in Somalia – "No direct Support for Somalia Military Operations," transcript, *USAFRICOM* (March 12, 2010).

[133] AMISOM Bulletin, "We Have Good Relations with the Local Population," AMISOM Issue 1 (February 2010).

contingent from Uganda and Burundi should be expanded to include troops from other African countries to assist in recruiting and training Somalis in maritime security. On April 7, 2010, the EU agreed to send approximately one-hundred military personnel to train two-thousand Somalis over a fourteen month period in Uganda to boost the Somali TFG army.[134] A step in the right direction, this training should also include training of the Somali coast guard. Lastly, an indirect approach with the U.S. 'discreetly' coordinating efforts to provide training for the Somali coastguard would be the ultimate 'proof of concept' in capacity building.

The second ingredient is outlawing ransom payments. Although insurance companies are discouraged from paying ransoms, currently there are no laws prohibiting them from doing so. Laws must be passed to prohibit insurance companies from dealing with pirates. Unless this is done, ransoms will continue to be paid, perpetuating the problem. As previously mentioned, pirates are seeking larger and larger ransoms for their captured ships. Insurance companies do not seem to care; their coffers are well stacked with surpluses in the hundreds of billions of dollars. As long as shipping companies are willing to pay the increased premiums, the insurance companies will not suffer financially; they will simply increase insurance premiums. The money currently being paid in ransoms should instead be used for equipping, training, and funding the newly formed maritime security teams. The IMB could coordinate this effort with the insurance companies.

---

[134] Yahoo News, "EU to Start Training Somali Troops Next Week," *Yahoo News Brussels AFP* (May 7, 2010) under http://news.yahoo.com/somaliaunresteusecurity training_20100507154517 (accessed May 10, 2010).

Leverage Neighboring African Countries

Lastly, the neighboring AU countries (and regions), especially Kenya and Somaliland should be leveraged more. Kenya, who recently reversed their decision to accept captured pirates into their country for prosecution and imprisonment, must be assured that other African countries are willing assist in the counter-piracy fight. Recognition of Somaliland should also be considered, where 90% of the population wants independence. Compared to the Somalia TFG, Somaliland is a stable, functioning state. The international community should work with them more in a capacity building manner.[135] Ultimately, however, the goal should be to provide an alternative source of income for the Somali population to deter them from engaging in piracy.

Although Somali piracy has become an international problem that affects trade and commerce worldwide, no other countries have more at stake and stand more to lose than Somalia and the neighboring East Africa countries. The AU must take the lead in the coordination of these efforts with the assistance of the IMB, the Somali TFG, US AFRICOM, and the rest of the international community. There can be no political or economic development in Somalia without first addressing maritime security.

---

[135] UK Defence Academy Headquarters, "Horn of Africa Seminar Summary Report," 7

BIBLIOGRAPHY

Books

Halberstam, David. *War in a Time of Peace*. New York: Simon & Schuster, Inc., 2001.

Journal Articles

Becker, Michael. "International Law of the Sea." *The International Lawyer, 42, No. 2*, July 1, 2008.

"Continued U.S. Navy Operations Against Pirates off Somalia." *American Journal of International Law*, 2008: 169-170.

"Current Legal Developments - Straits of Malacca." *International Journal of Marine and Coastal Law*, 2006, Vol. 21, No. 4: 539-549.

Kraska, James, and Brian Wilson. "Fighting Pirates: The Pen and the Sword." *World Policy Journal*, 2008/09.

————."Maritime Piracy in East Africa." *Journal of International Affairs*, Spring/Summer 2009, Vol. 62, No. 2.

————."The Co-operative Strategy and the Pirates of the Gulf of Aden." *The RUSI Journal*, April 2009.

"Pirates of the Malacca Straits - Troubled Waters." *Journal of International Affairs*, 2005: 236-239.

Raymond, Catherine Zara. "Piracy in Southeast Asia: New Trends, Issues, and Responses." *Harvard Asia Quarterly*, Autumn 2005.

Roach, J. Ashley. "Enhancing Maritime Security in the Straits of Malacca and Singapore." *Journal of International Affairs*, Fall 2005.

Staub, D. Joshua. "Letters of Marque: A Short-Term Solution to an Age Old Problem." *Journal of Maritime Law & Commerce, Vol. 40, No. 2*, April 2009.

Terry, James P. "Eliminating High Seas Piracy - Legal and Policy Considerations." *Joint Forces Quarterly*, Issue 54, 3rd Quarter 2009: 116-119.

"United States Joins International Response to Somali Pirates." *American Journal of International Law*, 2009, Vol 103.

Woodward, G. Thomas. "The Costs of State-Sponsored Terrorism: The Example of the Barbary Pirates." *National Tax Journal*, September 2004: 599-611.

Ziobro, Denise. "Somali Piracy." *Carnegie Mellon Heinz College*, December 14, 2009. http://journal.heinz.cmu.edu (accessed February 2, 2010).

Magazine Articles

Boot, Max. "Pirates, Than and Now." *Foreign Affairs Vol. 88*, July/August 2009.

Draper, Robert. "Shattered Somalia." *National Geographic*, September 2009.

Economist. "Terrorism in Somalia - Ever More Atrocious." December 12, 2009.

Gettleman, Jeffrey. "The Axis of Upheaval: Somalia." *Foreign Policy*, March/April 2009.

Ong, Graham Gerard. "The Threat of Maritime Terrorism and Piracy." *Political Outlook*, 2007.

O'Rourke, Morgan. "Piracy on the High Seas." *Risk Management*, September 2005.

Surk, Barbara. "Shipping Companies Must Tackle Piracy." *Navy Times*, September 25, 2008. http://www.navytimes.com (accessed January 19, 2010).

Newspaper Articles

Abdinur, Mustafa, "When The Ship Comes Home… Piracy Money Draws Somali Youth." *Yahoo News Associated Press,* January 18, 2010, http://news.yahoo.com (accessed January 18, 2010).

Amies, Nick. "Shipping Insurance Skyrockets as Pirate Attacks Increase." *Deutsche Welle News,* May 27, 2009. http://www.dw-world.de (accessed January 23, 2010).

BBC, "Kenya Ends Trials of Somali Pirates in its Courts." *BBC News*, April 1, 2010, http://news.bbc.co.uk/2/hi/africa/8599347.stm (accessed April 1, 2010).

CNN, "Somali Pirates Hijack Fourth Vessel in a Week." *CNN News*, January 2, 2010. http;//www.cnn.com (accessed January 3, 2010).

Muhemed, Malkhadir. "Somali Pirates Release Oil Supertanker." *Yahoo News Associated Press,* January 18, 2010. http://news.yahoo.com (accessed January 18, 2010).

Saul, Jonathan. "Navies Too Stretched on Piracy in Indian Ocean." *Reuters News Service UK,* December 23, 2009. http://www.af.reuters.com (accessed January 2, 2010).

Straziuso, Jason. "Maersk Alabama Repels 2nd Pirate Attack With Guns." *Yahoo News Associated Press* November 18, 2009. http://news.yahoo.com (accessed January 22, 2010).

Unpublished Sources

Bair, Robert S. " Disrupting Somali Piracy via Trust and Influence Operations." Master's Thesis, Monterey, CA: Naval Postgraduate School, 2009.

Davis, LCDR Joel D. "Maritime Security and the Strait of Malacca: A Strategic Analysis." Thesis, Ft. Leavenworth, KS: Command and General Staff College, 2006.

Casey, Michael Scott. "Rebel Privateers: The Winners of American Independence." Monograph, Ft. Leavenworth, KS: Command and General Staff College, 1990.

DeJarnette, Colonel John. "Toward a Nation-Building Operating Concept." Monograph, Fort Leavenworth, KS: School of Advanced Military Studies, 2010.

Hoffman, LCDR Chris. "The Counter-Piracy JIATF: Getting AFRICOM into the Piracy Fight." Monograph, Newport, RI: Naval War College, 2009.

Jarett, Jr., LCDR Michael Richmond. "Optimizing the Naval Force for the Horn of Africa Anti-Piracy Mission." Monograph, Newport, RI: Naval War College, 2009.

Johnson, Derek, and Erika Pladdet. "An Overview of Current Concerns in Piracy Studies and New Directions for Research." Position Paper, Amsterdam: International Institute of Asian Studies and the Centre for Maritime Research, 2003.

Koreta, LTGeneral. Deputy Chief, Uganda People's Defense Force. Seminar lecture at Australian Center for Defense and Strategic studies, February 24, 2010.

Kraska, James. "Countering Maritime Piracy." U.S. Naval War College, International Law Department, 2009.

——. "Report on the U.S. Naval War College Workshop on Somali Piracy." Newport, RI: U.S. Naval War College, April 2009.

Patraeus, General David. "Address to CGSC." CGSC lecture, Leavenworth, KS, November 10, 2009.

Sampson, MAJ Dennis W. "USAFRICOM's Role in Counter-Piracy Operations in the Horn of Africa." Monograph, Newport, RI: Naval War College, 2009.

Wander, LCDR Kjell A. "Implications of Maritime Piracy in the Failed State of Somalia." Monograph, Newport, RI: Naval War College, 2006.

Wright, LtCol Peter RA. Interview by CAPT Greg Larson, October 27, 2009.

Zogg, LT Dennis M. "Why The U.S. Navy Should Not Be Fighting Piracy Off Somalia." Monograph, Newport, RI: Naval War College, 2009.

Additional Public Documents

Oil Companies International Marine Forum. *Piracy - The East Africa/Somalia Situation. Practical Measures to Avoid, Deter, or Delay Piracy Attacks.* Witherby Seamanship International, 2009.

World Food Programme. *World Food Programme Facing Growing Humanitarian Challenges.* January 5, 2010. http://www.wfp.org/stories/wfp-facing-growing-humanitarian-challenge-somalia (accessed January 21, 2010).

Public Documents

Combined Maritime Forces Public Affairs. *Combined Maritime Forces Issues New Alert to Mariners.* VADM William Gortney. April 7, 2009.

European Union Naval Forces. *Maritime Security Centre - Horn of Africa.* Briefs. http://www.mschoa.eu (accessed January 22, 2010).

FOI Swedish Defense Research Agency. *State Failure on the High Seas - Reviewing the Somali Piracy.* Karl Sorenson. April 28, 2009.

International Chamber of Commerce Commercial Crime Services. International Maritime Bureau. *Piracy and Maritime Violence - A Continuing Threat to Maritime Industry. (November 2002)* Jayand Abhyankar. Hong Kong, 2002.

International Chamber of Commerce Commercial Crime Services. International Maritime Bureau. *Piracy and Armed Robbery Against Ships.* Annual Report. 2009.

International Chamber of Commerce Commercial Crime Services. 2010. www.icc-ccs.org/ (accessed January 16, 2010).

International Chamber of Commerce Commercial Crime Services. Captain Mukundan Pottengal. January 14, 2010. http://www.icc-ccs.org (accessed January 18, 2010).

U.K. Ministry of Defense. *Maritime Security and Strategy, Annex N.* 2009.

U.K. Defence Academy Headquarters, Research and Assessment Branch. *"Horn of Africa."* Horn of Africa Seminar. RCDS, London, 2009.

UN. *United Nations Convention on the Law of the Sea.* 1982.

U.S. Africa Command. *Combined Joint Task Force - Horn of Africa.* Factsheet.

U.S. Africa Command. *U.S. Policy in Somalia - No direct Support for Somalia Military Operations.* Transcript, March 12, 2010.

U.S. Africa Command. *U.S. Humanitarian Aid to Somalia.* (March 19, 2008). Factsheet. http://www.africom.mil (accessed February 6, 2010).

U.S. Africa Command. *U. S. Africa Command 2009 Posture Statement.* 2009.

U.S. Congress. House. *Congressional Research Service. Somalia: Current Conditions and Prospects for a Lasting Peace.* Ted Dagne. October 21, 2009.

U.S. Congress. House. *Congressional Research Service. Ocean Piracy and Its Impact on Insurance.* Rawle O King. February 2009.

U. S. Department of Defense. *National Strategy for Maritime Security.* 2005.

U.S. National Security Council. *Countering Piracy off the Horn of Africa: Partnership & Action Plan.* December 2008.

U. S. Office of Naval Intelligence. *Horn of Africa: Threat Factors for Commercial Shipping and Forecast of Pirate Activity Through 2009.* Report. 2009.

U.S. Presidential Memorandum. "United States Maritime Security (Piracy) Policy." Annex 1 (June 14, 2007).